

Letter No.5227778/FR.10/2023-3, dated:31.01.2024

From
Tmt.Supriya Sahu, IAS.,
Additional Chief Secretary to Government.

To
The Assistant Inspector General of Forests (Central),
Government of India,
Ministry of Environment, Forest and Climate Change,
Regional Office,
Additional Office Block for GPOA, 1st Floor,
Shastri Bhawan, Haddows Road,
Nungambakkam, Chennai-600 006. (w.e).

Sir,

Sub: Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 –
Proposal (FP/TN/Road/151930/2022) for diversion of
0.95472 ha of forest land in Vandalur Reserved Forest
for construction of Road over Bridge in lieu of LC No.32
in between Tambaram and Vandalur Railway Station
near Perungalathur in Chengalpattu District in favour of
the Divisional Engineer, Highways, Chennai Metropolitan
Development Plan Division-II, Chennai - Forwarding of -
Regarding.

- Ref:
1. From the Principal Chief Conservator of Forest (HoFF), Letter No.TS3/2987/2022, dated 15.07.2023.
 2. Government letter No.5227778/FR.10/2023-1, dated 03.08.2023.
 3. Your office letter F.No.4-TNB109/2023-CHN/1035, dated 29.08.2023.
 4. Government letter No.5227778/FR.10/2023-2, dated 15.09.2023.
 5. From the Principal Chief Conservator of Forest (HoFF), Letter No.TS3/2987/2022, dated 03.01.2024.

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I am directed to enclose copy of the references first and fifth cited. The Principal Chief Conservator of Forests (Head of Forest Force) in his letter first cited has stated that, the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II Chennai has uploaded online forest clearance proposal under section 2 of Forest (Conservation) Act, 1980 for diversion of 0.95472 ha of forest land in Vandalur Reserved Forest for construction of Road over Bridge in lieu of LC No.32 in between Tambaram and Vandalur Railway Station near Perungalathur in Chengalpattu District under proposal No.FP/TN/Road/151930/2022.

2. In the Part-II of Form A, the District Forest Officer, Chennai Forest Division has furnished the following details:-

- i. The legal status of the proposed site of diversion of 0.95472 ha of forest land requested for the project is Reserved Forests. As per the site inspection report and recommendation of the project uploaded by the District Forest Officer, Chennai Division, name of the forest land reported as Vandalur Reserved Forest.
- ii. Density of the forest area is 0.3 and Eco class of forest area is four.
- iii. The species wise and girth class wise enumeration of trees in the area of 204 spontaneous trees.
- iv. Vulnerability of the forest area to erosion reported as there is no erosion.
- v. The District Forest Officer has reported that Spotted deer, Wild cat, Porcupine, Mongoose, Peafowl etc., are present in and around the forest land proposed for diversion. The forest area proposed for diversion is not part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife migration corridor etc., and not located within the eco-sensitive zone of the protected area notified under Wildlife (Protection) Act, 1972 and not located within 1 km boundary of NP/WLS etc., for the forest land proposed for diversion. There is no rare/endangered / unique species of flora and fauna found in the area.
- vi. There is no protected archaeological/ heritage site/ defense establishment or any other important monument is located in the area.
- vii. Requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.
- viii. The District Forest Officer has reported that no work in violation of the Act or guidelines issued under the Act has been carried out by the user agency.
- ix. For the proposed diversion of 0.95472 ha of forest land in Vandalur Reserved Forest for construction of Road over Bridge in lieu of LC No.32 in between the Tambaram and Vandalur Railway Stations near Perungalathur, compensatory afforestation has been proposed in 1.909 ha of degraded forest area in Vandalur Reserved Forest. Planting of 1909 number of misc seedlings along with maintenance and protection of plantation over a period of 10 years period at a cost of Rs.49,46,448/- has been proposed. Survey of India topo sheet of Vandalur Reserved Forest and surveyed sketch of the proposed Compensatory Afforestation area in geo-referenced map, Site suitability certificate of the Compensatory Afforestation area have also been furnished by the District Forest Officer.
- x. In the site inspection report and recommendation of the proposal, the District Forest Officer has stated the following:-

This proposal is for diversion of 0.95472 ha of forest land in Vandalur Reserved Forest of Chennai Division for construction of Road over Bridge in lieu of LC No.32 in between the Tambaram and Vandalur Railway Stations near Perungalathur has been inspected on 03.11.2022. The user agency has not yet started any work in the Reserved Forest area so far and there is no encroachment in the proposed area. The forest land required for the project is not the part of National Park/Wildlife sanctuary. No rare/endangered/unique species of flora and fauna in the Reserved Forest. Forest type is Southern Dry Mixed Deciduous Forest. There is no right of way notification for this proposal. There are 204 number of spontaneous trees in this diversion proposal. After construction of Road over Bridge need of level crossing at this location would be eliminated, thus

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ensuring a smooth traffic movement on the National Highways and hence recommended. In the EDS reply, the District Forest Officer has reported that, the proposed area of diversion for construction of ROB ends at the centre of the Reserved Forests and then the road work continued with Forest Clearance proposal No.FP/TN/Road/148656/2021 in the name of Eastern Bye pass road by the Highways Department CMDP - Division-I, Alandhur.

3. The Chief Conservator of Forests, Chennai Circle has inspected the area on 30.01.2023 and endorsed the details provided by the District Forest Officer and recommended the proposal.

4. The Principal Chief Conservator of Forests has further stated that, the User Agency has requested forest area diversion for a period of 100 years. The District Forest Officer, Chennai Division and the Chief Conservator of Forests, Chennai Circle have recommended the diversion of forest area for a period of 30 years and 25 years respectively. As forest area diversion proposals for road works are permanent nature, the period of lease is recommended by the Principal Chief Conservator of Forests (HoFF) for a period of 50 years.

5. Further he has stated that, State Government may accord diversion of forest land of less than one hectare in each case for non-forestry purposes under the Forest (Conservation) Act, 1980, for creation of critical development and security related infrastructure of Government Departments under the general approval of section 2 of Forest (Conservation) Act, 1980 guidelines. Construction and widening of road is one of the work allowed under general approval list. Diversion of 0.95472 ha of forest land has been requested in Vandalur Reserved Forest for construction of Road over Bridge in lieu of LC No.32 in between Tambaram and Vandalur Railway Station near Perungalathur in Chengalpattu District. Construction of Rail Over Bridge in the road portion may be treated as part of Road Project. However, this project involves felling of 204 number of spontaneous trees. The Hon'ble Supreme Court of India in judgment dated 11.01.2023 in I.A Nos.168328/2022 and 168313/2022 and I.A No.191583/2022, have directed that the order requiring permission of the Court for felling of trees in all forest areas in respect of any road projects initiated by NHAI or any other instrumentality of the State, which involves cutting of up to 500 trees is recalled subject to certain conditions and among others, the projects would be permitted only after the concurrence of the Integrated Regional Office (IRO), Chennai. Hence concurrence of the Integrated Regional Office, Ministry of Environment, Forests and Climate Change, Chennai is required for this project.

6. The Principal Chief Conservator of Forests (Head of Forest Force) has also stated that the proposal is sent duly recommended by the Additional Principal Chief Conservator of Forests (Forest Conservation Act) / Nodal Officer, Forest (Conservation) Act, of the State of Tamil Nadu.

7. Based on the recommendations made by the District Forest Officer, Chennai Division, Chief Conservator of Forests, Chennai Circle and the Additional Principal Chief Conservator of Forests (Forest Conservation Act), the Principal Chief Conservator of Forests has recommended the proposal for diversion of 0.95472 ha of forest land in Vandalur Reserved Forest for construction of Road over Bridge in lieu of LC No.32 in between Tambaram and Vandalur Railway Station near Perungalathur in Chengalpattu District in favour of the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II, Chennai, for a period of 50 years, under Section 2 of Forest (Conservation) Act, 1980, subject to the following conditions and requested the Government to consider and

to obtain the concurrence from the Government of India for the same and also for felling of 204 spontaneous trees in the project area:-

- i). The legal status of the diverted forest land remains unchanged.
- ii). The demarcation of the proposed forest land shall be carried out by the User Agency by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at their cost.
- iii). The user agency has to pay the cost towards compensatory afforestation scheme over an extent of 1.909 ha of degraded forest area as per the Compensatory afforestation scheme including maintenance for a period of 10 years.
- iv). The User Agency has to pay the Net Present Value of proposed forest diversion area which will be fixed as per the guidelines of Hon'ble Supreme Court of India / Government of India.
- v). The User Agency has to bear the additional amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India as fixed by Forest Department in future.
- vi). Amount of Compensatory afforestation scheme, Net Present Value of diverted forest area under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>)
- vii). The user agency has to deposit the amount required for felling and transport of trees to be felled in the project area with the District Forest Officer concerned.
- viii). The User Agency has to pay the cost towards annual lease rent for the forest area diversion period as fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted of the above project in future for the entire project period.
- ix). The total forest area utilized for the project shall not exceed 0.95472 ha in Vandalur Reserved Forest.
- x). The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies/department or person without prior approval of the competent authority.
- xi). Period of lease can be fifty (50) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

8. In the reference second cited, you have been requested to accord approval for felling of 204 spontaneous trees in the project area.

9. In the letter third cited, you have requested to inform all stake holders including forest department Officials not to split the proposals in future and direct the User Agency i.e. Chief Engineer, Metro, Highways Department to withdraw the above two proposals from the PARIVESH and to submit a fresh proposal for the revised area by combining 0.95472 ha + 4.46 ha = 5.41472 ha.

10. In this connection, the Principal Chief Conservator of Forests (HoFF) in his letter fifth cited has stated that, observation made by the Government of India has been informed to the User Agency for revising and furnishing consolidated proposal. The Chief Engineer, Highways, Metro has reported that the Forest (Conservation) Act, 1980 proposals for formation of Tambaram Eastern Bypass and Construction of R.O.B at LC-32 are evolved at the different dates. Accordingly, the proposals for diversion of Forest land were submitted to the Forest Department at various date and the fact of these two projects are furnished as detailed below:-

- i) Land Acquisition for the work of Formation of Tambaram Eastern by pass road at Km 0/0 - 9/300 has been sanctioned by Government of Tamil

Nadu on 23.09.2004. The stretch from Km from 8/000-9/300 falls in Vandalur Reserve Forest area to an extent of 4.46 ha. Hence proposal for diversion of forest land of 4.46 ha in Vandalur Reserved Forest was uploaded online in **Parivesh Portal** vide online proposal No.FP/TN/Road/148656/2021 on 22.10.2021.

- ii) The work of Construction of ROB in lieu of LC-32 at Perungalathur in between Tambaram and Vandalur Railway stations has been sanctioned by the Government of Tamil Nadu on 01.12.2010. For this work, forest land to an extent of 0.95472 ha in Vandalur Reserve Forest land is required. Hence proposal for diversion of forest land of 0.95472 ha in Vandalur Reserved Forest was uploaded online in **Parivesh Portal** vide online proposal No.FP/TN/Road/151930/2022 on 02.02.2022.

The requirement of forest land for the above two works were assessed at different dates and accordingly the proposal for diversion of forest land was submitted to Forest department for approval in Parivesh Portal.

iii) **The facts on each scheme are tabulated below:**

S. No.	Description	Proposal 1: Formation of Tambaram Eastern Bypass Km 0/0-9/3 Proposal No.FP/TN/Road/148656/2021	Proposal 2: Construction of LC 32 ROB Proposal No.FP/TN/ Road/151930/2022
1.	Name of the Work.	Formation of Tambaram Eastern Bypass	Construction of ROB in lieu of LC-32 at Perungalathur in between Tambaram and Vandalur Railway stations
2	Scheme	2004-2005 Traffic Improvement Scheme	RWP (Railway Work Program) Program for the year 2010-2013.
3	Administrative Sanction by Government of Tamil Nadu	G.O.No.264, Highways (HW1) Department, dt.23.9.2004	i) G.O.(Ms)No.230, Highways (HQ2) Department dated 01.12.2010. ii) RAS G.O.(Ms). No.34, Highways and Minor Ports (HP2) Department, dated: 07.03.2019.
4	Extent of Forest land involved	4.46 ha	0.95472 ha
5	Actual Date of Initiation of Diversion of Forest land proposal	Divisional Engineer (H) Thiruvallur & Divisional Engineer (H) CMDP-1 addressed District Collector, Kanchipuram requesting alternative double extent of compensatory land on 06.12.2005 & 09.01.2012 respectively.	Divisional Engineer (H) CMDP-2 addressed the District Collector, Chengalpattu requesting alternative double extent of compensatory land on 20.10.2021.

6	Proposal submitted to Forest department in Parivesh Portal by User agency	22.10.2021 Proposal No:FP/TN/Road/148656/2021	02.2.2022 Proposal No:FP/TN/Road/151930/2022
7	Alternate land approved by State Government	8.92 ha Non Forest land in SF.No:96/1 of Vedhanarayapuram village in Chengalpattu District	Not Applicable (Since extent is less than 1 ha)
8	Compensatory Afforestation	Planting of 8920 number seedlings proposed in 8.92 ha of degraded forest land in Gudulur RF including maintenance and protection of plantation for 10 years period.	Planting of 1909 number seedlings proposed in 1.909 ha of degraded forest land in Vandalur Reserved Forest including maintenance and protection of plantation for 10 years period.

11. Further, the Chief Engineer, Highways, Metro has stated that though the combined area of Forest Area is more than 5 ha for the two Projects, these two projects have been sanctioned in different dates and diversion proposals also initiated at different dates depending upon the execution stage of above schemes and the proposals have not been split up intentionally. Hence, the Chief Engineer, Highways, Metro has requested to consider above proposals in order to complete the work as early as possible.

12. Therefore, the Principal Chief Conservator of Forests (Head of Forest Force) has requested the Government to consider the proposal for diversion of 0.95472 ha of forest land in Vandalur Reserved Forest for construction of Road over Bridge in lieu of LC No.32 in between Tambaram and Vandalur Railway Station near Perungalathur in Chengalpattu District in favour of the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II, Chennai, separately and to obtain approval from the Government of India.

13. It is submitted that, as per section 2(1) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and also as per rule 9 of Van (Sanrakshan Evam Samvardhan) Rules 2023, approval of Government of India is required for diversion of forest land on lease and the user agency may be allowed a time limit of two years to comply the conditions imposed in the In-principle approval and after the stipulated period of 2 years, the In-principle approval shall be deemed to be null and void.

14. The Government have examined and accept the proposal (FP/TN/Road/151930/2022) of the Principal Chief Conservator of Forests (Head of Forest Force) for diversion of 0.95472 ha of forest land in Vandalur Reserved Forest for construction of Road over Bridge in lieu of LC No.32 in between Tambaram and Vandalur Railway Station near Perungalathur in Chengalpattu District in favour of the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II, Chennai, for a period of 20 years under section 2 (1) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 subject to the following conditions and decided to forward the same to Ministry of Environment, Forests and

Climate Change, Government of India for obtaining their concurrence and also for transplantation of 204 spontaneous trees in the project area instead of felling them:-

- i. The legal status of the diverted forest land remains unchanged.
- ii. The demarcation of the proposed forest land shall be carried out by the User Agency by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at their cost.
- iii. The user agency has to pay the cost towards compensatory afforestation scheme over an extent of 1.909 ha of degraded forest area as per the Compensatory afforestation scheme including maintenance for a period of 10 years.
- iv. The User Agency has to pay the Net Present Value of proposed forest diversion area which will be fixed as per the guidelines of Hon'ble Supreme Court of India / Government of India.
- v. The User Agency has to bear the additional amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India as fixed by Forest Department in future.
- vi. Amount of Compensatory afforestation scheme, Net Present Value of diverted forest area under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>)
- vii. The User Agency shall arrange for transplantation of 204 no. of spontaneous trees in the project area under the supervision of the District Forest Officer, Chennai Division instead of felling them.
- viii. The User Agency has to pay the cost towards annual lease rent for the forest area diversion period as fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted of the above project in future for the entire project period.
- ix. The total forest area utilized for the project shall not exceed 0.95472 ha in Vandalur Reserved Forest.
- x. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies/department or person without prior approval of the competent authority.
- xi. Period of lease is twenty (20) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

15. I am, therefore, directed to request you to kindly obtain the concurrence of the Competent Authority and communicate the same to this Government, early.

Yours faithfully,

[Handwritten Signature]

for Additional Chief Secretary to Government.

[Handwritten Signature]
02/2/2024

Copy to:-

The Principal Chief Conservator of Forests (HoFF),
Chennai-32.

The Divisional Engineer,
Highways, Chennai Metropolitan Development Plan Division-II,
Chennai - 600 025.

PART – V

(To be filled in by the Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

Proposal (FP/TN/Road/151930/2022) for diversion of 0.95472 ha of forest land in Vandalur Reserved Forest for construction of Road over Bridge in lieu of LC No.32 in between Tambaram and Vandalur Railway Station near Perungalathur in Chengalpattu District in favour of the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II, Chennai for a period of 20 years under section 2(1) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

18. Recommendation of the State Government : *Recommended.*

(Adverse comments made by any officer or authority in Part-B or Part – C or Part – D above should be specifically commented upon)

Date : *02.02.2024*

Place : Chennai-9.

J. Mohan Raman
[J. MOHAN RAMAN]
Signature

Name & Designation
(Official Seal)

Deputy Secretary to Government
Environment, Climate Change and Forest Department
Secretariat, Chennai-09

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[C.No. 5227778/RE.10/2023]

By On-line/Email

TAMILNADU FOREST DEPARTMENT

From

Subrat Mohabatra, I.F.S.,
Principal Chief Conservator of Forests,
(Head of Forest Force)
Forest Head Quarters Building,
Guindy-Velachery Main Road, Guindy,
Chennai-15.

To

The Additional Chief Secretary to
Government,
Environment, Climate Change and
Forests Department,
Secretariat, Chennai 9.

5227778
20 JUL 2023

C. No. TS3/2987/2022 Dated: 15.07.2023.

Madam,

Sub: Forest (Conservation) Act, 1980 – Proposal for diversion of 0.95472 ha of forest land in Vandalur RF for construction of Road over Bridge in lieu of LC No. 32 in between Tambaram and Vandalur Railway Station near Perungalathur in Chengalpattu District in favour of the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II, Chennai - Proposal forwarding - Regarding.

- Ref: 1 Online forest clearance proposal uploaded by the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II Chennai - Proposal No. FP/TN/Road/151930/2022, dated 02.02.2022 and resubmission of proposal on 17.05.2022.
- 2 Part-II of Form-A uploaded by the District Forest Officer, Chennai Division on 14.11.2022 and EDS reply dated 03.07.2023
- 3 Part-III of Form-A uploaded by the Chief Conservator of Forests, Chennai Circle on 25.04.2023 and resubmission of proposal on 03.07.2023

I wish to state that, the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II Chennai has uploaded online forest clearance proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.95472 ha of forest land in Vandalur RF for construction of Road over Bridge in lieu of LC No. 32 in between Tambaram and Vandalur Railway Station near Perungalathur in Chengalpattu District under proposal No. FP/TN/Road/ 151930/2022.

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2) Brief details of the project are given below.

i) The User Agency has uploaded the proposal in the prescribed format of Form A - Part I - under Section 2 of the Forest (Conservation) Act, 1980 for diversion of fresh forest area.

ii) Name of the project in which forest land required reported as construction of Road over Bridge in lieu of LC No. 32 in between Tambaram and Vandalur Railway Station near Perungalathur.

iii) Short narrative of the project reported as this work involves construction of road over bridge in lieu of existing level crossing No. 32 on Chennai-Trichy railway line near Perungalathur Railway Station and connectivity link to Tambaram Eastern Bypass. Also this project will serve as a connectivity between Eastern and Western side of GST road.

Category of the project reported as Road and shape of the forest land proposed for diversion reported as linear.

iv) The User Agency has reported that area required in forest area is for 0.95472 ha., and non-forest land required for the project is 7.30158 ha.,

v) The User Agency has proposed the forest area diversion for the project for a period of 100 years.

vi) On behalf of User Agency, Chief Engineer, Metro, Highways Department, HRS Campus, Guindy, Chennai 23 - the present incumbent Officer of Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II Saidapet, Chennai-15 office at No. 1 VV Koil Street, Saidapet Chennai has uploaded the proposal in the prescribed format.

vii) Legal status of the User Agency is State Government (Department).

viii) In the section of uploading of copy of documents in support of the competence/authority of the person making this application to make application on behalf of the User Agency section, the User Agency has uploaded the authentication issued by the Superintending Engineer Highways CMDP Circle, Saidapet Chennai to the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II Saidapet, Chennai has been uploaded.

ix) In the section of uploading details of proposal seeking prior approval of Central Government under the Act for diversion of forest land for the project already submitted in the past reported as NIL

x) Diversion of 0.95472 ha of forest has been requested in Chengalpattu Kancheepuram Forest Division (now the area is under the management control of Chennai Forest Division) of Chengalpattu District.

xi) Name of the village in which forest land requested has been reported as Perungalathur.

xii) The User Agency has furnished the component wise breakup details of land required for the project as detailed below.

a) Approach - 0.31304 ha

b) Service road - 0.64168 ha

xiii) Location map of the forest land proposed to be diverted in kml file of google earth, scanned copy of portion of Survey of India topo sheet indicating the boundary of forest land proposed to be diverted indicating the road alignment path marked in the map and scanned copy of Geo referenced location details of the forest land proposed to be diverted in the google earth along Geo-co-ordinates in the map have been uploaded.

xiv) Note containing justification for locating the project in forest area has been uploaded.

The User Agency has stated that no feasible alternate route is found, hence copy of map indicating location of alternative not provided.

xv) The User Agency has stated that this project is likely to generate permanent/ regular employment for 'Zero' persons and temporary employment for 3.00 lakh persons.

xvi) The User Agency has stated that this project does not involve displacement of people due to the project.

xvii) The User Agency has stated that cost-benefit analysis for the project is not required, this project not requires clearance under the Environment (Protection) Act, 1986, the project or part thereof is not located in any protected area or their Eco sensitive zone, this project or a part thereof is not located in a Scheduled area.

xviii) The User Agency has stated that, the process for settlement of Rights under the Forest Rights Act 2006 on the forest land proposed to be diverted has been completed and uploaded a copy of certificate issued by the District Collector, Chengalpattu in Lr No. 5375/2022/PA5, dated 29.04.2022 has been uploaded.

xix) Under the section of details of land identified for compensatory afforestation, the User Agency has not furnished the details of compensatory Afforestation land to be provided to the Forest Department in lieu of diversion of forest land required for the work.

The user agency has stated that non-forest or revenue forest land is not required to be provided by the user agency and reason for this stated as not applicable.

xx) In the additional information details section, following documents/ certificates/ undertakings have been uploaded.

a) Certified that the forest land demanded for the project is the barest minimum.

b) Certified that there is no catchment area treatment plan in the approved plan.

c) Undertaking to pay the cost towards lease rent as fixed by the Forest Department at the time of sanction and along with any escalation.

d) Undertaking to pay the Net Present Value of forest land required for the project.

e) Undertaking to pay the additional amount of Net Present Value of forest land required for the project.

f) Certified that the construction of road over bridge near Perungalathur across the Vandalur RF is the only possible route as there is no other alternative feasible route available than this.

g) Undertaking to bear the cost of compensatory afforestation/ penal compensatory afforestation/ maintenance of plantation/ protection of plantation for the proposed diversion of forest land as fixed by the Forest Department.

h) Certified that the Highways Department has not violated any provisions of the Forest Conservation Act 1980 in seeking the minimum forest land required in Vandalur RF.

i) Undertaking to pay the cost along with any escalation for exploitation of trees if any in the alignment path proposed diversion of forest land as fixed by the Forest Department

j) Area requirement statement – Forest and non-forest areas

Forest area.

i) Eastern bye-pass Arm (Approach portion) – 3130.40 sq.m

ii) Eastern bye-pass Arm (Service road portion) – 6416.8 sq.m

Total

9547.2 sq.m or 0.95472 ha

k) Reason for non availability of non forest land for the project

l) DGPS Co-ordinates of the proposed forest diversion area.

3) The District Forest Officer, Chennai Division has forwarded the proposal along with Site Inspection report and recommendation of the proposal to the Conservator of Forests, Chennai Circle on 14.11.2022 and resubmitted the proposal on 17.01.2023, 20.04.2023 and 03.07.2023 for the EDS query raised on the proposal.

Details furnished in the Part-II of Form A by the District Forest Officer, Chennai Division is furnished below.

i) The legal status of the proposed site of diversion of 0.95472 ha of forest land requested for the project is Reserved Forests.

As per the site inspection report and recommendation of the project uploaded by the District Forest Officer, Chennai Kancheepuram Division, name of the forest land reported as Vandalur RF.

ii) The District Forest Officer has reported that, density of the forest area is 0.3 and Eco class of forest area is four.

iii) In the Part-II of Form-A, the District Forest Officer has reported the species wise and girth class wise enumeration of trees in the area of 204 trees.

iv) Vulnerability of the forest area to erosion reported as there is no erosion.

v) The District Forest Officer has reported that Spotted deer, Wild cat, Porcupine, Mongoose, Peafowl etc., are present in and around the forest land proposed for diversion.

The forest area proposed for diversion is not part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife migration corridor etc., and not located within the eco-sensitive zone of the protected area notified under Wildlife (Protection) Act, 1972 and not located within 1 km boundary of NP/WLs etc., for the forest land proposed for diversion. There is no rare/ endangered / unique species of flora and fauna found in the area.

vi) There is no protected archaeological/ heritage site/ defense establishment or any other important monument is located in the area.

vii) Requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.

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viii) The District Forest Officer has reported that no work in violation of the Act or guidelines issued under the Act has been carried out by the user agency.

ix) For the proposed diversion of 0.95472 ha of forest land in Vandalur RF for construction of Road over Bridge in lieu of LC No. 32 in between the Tambaram and Vandalur Railway Stations near Perungalathur, compensatory afforestation has been proposed in 1.909 ha of degraded forest area in Vandalur RF.

Planting of 1909 number of misc seedlings along with maintenance and protection of plantation over a period of 10 year period at a cost of Rs. 49,46,448/- has been proposed.

Survey of India topo sheet of Vandalur RF and surveyed sketch of the proposed CA area in geo-referenced map, Site suitability certificate of the CA area have also been furnished by the District Forest Officer.

x) In the site inspection report and recommendation of the proposal, the District Forest Officer has stated the following.

a) This proposal is for diversion of 0.95476² Ha of forest land in Vandalur RF of Chennai Division for construction of Road over Bridge in lieu of LC No. 32 in between the Tambaram and Vandalur Railway Stations near Perungalathur has been inspected on 03.11.2022.

The user agency has not yet started any work in the Reserved Forest area so far and there is no encroachment in the proposed area. The forest land required for the project is not the part of National Park/Wildlife sanctuary. No rare/endangered/unique species of flora and fauna in the Reserved Forest. Forest type is Southern Dry Mixed Deciduous Forest.

There is no right of way notification for this proposal. There are 204 number of spontaneous trees in this diversion proposal. After construction of Road over Bridge need of level crossing at this location would be eliminated, thus ensuring a smooth traffic movement on the National Highways and hence recommended.

In the EDS reply, the District Forest Officer has reported that, the proposed area of diversion for construction of ROB ends at the centre of the Reserved Forests and then the road work continued with Forest Clearance proposal No. FP/TN/Road/148656/2021 in the name of Eastern Bye pass road by the Highways Department CMDP-Division-I, Alandhur.

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This forest area diversion proposal has already forwarded to the District Forest Officer, Chennai Division on 05.05.2023 for processing and as per the time line details, the proposal is pending with the District Forest Officer, Chennai Division due to EDS raised by the Chief Conservator of Forests, Chennai Circle on 03.07.2023.

4) The Chief Conservator of Forests, Chennai Circle has inspected the area on 30.01.2023 and endorsed the details provided by the District Forest Officer and recommended the proposal. Forest clearance proposal forwarded through web portal on 25.04.2023.

5) The User Agency has requested forest area diversion for a period of 100 years. The District Forest Officer, Chennai Division and the Conservator of Forests, Chennai Circle have recommended the diversion of forest area for a period of 30 years and 25 years respectively.

Forest area diversion proposals for road works are permanent nature and may be recommended for a period of 50 years.

6) State Government may accord diversion of forest land of less than one hectare in each case for non-forestry purposes under the Forest (Conservation) Act, 1980, for creation of critical development and security related infrastructure of Government Departments under the general approval of Section 2 of Forest (Conservation) Act, 1980 guidelines. Construction and widening of road is one of the work allowed under general approval list. Diversion of 0.95472 ha of forest land has been requested in Vandalur RF for construction of Road over Bridge in lieu of LC No. 32 in between Tambaram and Vandalur Railway Station near Perungalathur in Chengalpattu District. Construction of Rail Over Bridge in the road portion may be treated as part of Road Project.

However, this project involves felling of 204 number of spontaneous trees. Hon'ble Supreme Court of India in judgment dated 11.01.2023 in I.A Nos 168328/2022 and 168313/2022 and I.A Nos. 191583/2022, have directed that the order requiring permission of the Court for felling of trees in all forest areas in respect of any road projects initiated by NHAI or any other instrumentality of the State, which involves cutting of up to 500 trees is recalled subject to certain conditions and among others, the projects would be permitted only after the concurrence of the Integrated Regional Office (IRO), Chennai.

Hence concurrence of the Integrated Regional Office, MoEF&CC, Chennai is required for this project.

7) Based on the recommendation made by the District Forest Officer, Chennai Division and Chief Conservator of Forests, Chennai Circle, proposal received for diversion of 0.95472 ha of forest land in Vandalur RF for construction of Road over Bridge in lieu of LC No. 32 in between Tambaram and Vandalur Railway Station near Perungalathur in Chengalpattu District seeking approval under Section 2 of Forest (Conservation) Act, 1980 by the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II, Chennai may be considered and concurrence may be obtained from the Government of India for felling of spontaneous trees in the project area and the following conditions may be recommended for imposition of the project.

i) The legal status of the diverted forest land remains unchanged.

ii) The demarcation of the proposed forest land shall be carried out by the User Agency by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at their cost.

iii) The user agency has to pay the cost towards compensatory afforestation scheme over an extent of 1.909 ha of degraded forest area as per the Compensatory afforestation scheme including maintenance for a period of 10 years.

iv) The User Agency has to pay the Net Present Value of proposed forests diversion area which will be fixed as per the guidelines of Hon'ble Supreme Court of India /Government of India.

v) The User Agency has to bear the additional amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India as fixed by Forest Department in future.

vi) Amount of Compensatory afforestation scheme, Net Present Value of diverted forest area under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>)

The user agency has to deposit the amount required for felling and transport of trees to be felled in the project area with the District Forest Officer concerned.

vii) The User Agency has to pay the cost towards annual lease rent for the forest area diversion period as fixed by the Forest Department at the time of sanction

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along with any escalation for the forest land to be diverted of the above project in future for the entire project period.

(ix) viii) The total forest area utilized for the project shall not exceeds ²0.95476 ha in Vandalur RF.

(x) ix) The forest land proposed to be diverted shall under ²any circumstances be transferred to any other agencies/ department or person without prior approval.

(xi) x) Period of lease can be fifty (50) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

8) The proposal is sent herewith duly recommended by the Additional Principal Chief Conservator of Forests (Forest Conservation Act) / Nodal Officer of Forest (Conservation) Act, 1980 of the State of Tamil Nadu.

9) I request that the proposal may be considered and approval may be accorded for diversion of 0.95472 ha of forest land in Vandalur RF for construction of Road over Bridge in lieu of LC No. 32 in between Tambaram and Vandalur Railway Station near Perungalathur in Chengalpattu District in favour of Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II, Chennai for a period of 50 years.

Yours faithfully

P. Anand
17/09/2013

For Principal Chief Conservator of Forests
(Head of Forest Force)

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17/09/2013

(No-5227778/FR.10/2023)
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ச.கா.மா. (ம) வ.துறை
6489237
09 JAN 2024
By On-line/Email

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TAMILNADU FOREST DEPARTMENT

From

Subrat Mohapatra, I.F.S.,
Principal Chief Conservator of Forests,
(Head of Forest Force)
Forest Head Quarters Building,
Guindy-Velachery Main Road, Guindy,
Chennai-15.

To

The Additional Chief Secretary to
Government,
Environment, Climate Change and
Forests Department,
Secretariat, Chennai 9.

C. No. TS3/2987/2022 Dated: 03.01.2024.

Madam,

Sub: Forest (Conservation) Act, 1980 – Proposal for diversion of 0.95472 ha of forest land in Vandalur RF for construction of Road over Bridge in lieu of LC No. 32 in between Tambaram and Vandalur Railway Station near Perungalathur in Chengalpattu District in favour of the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II, Chennai - Proposal forwarded – Clarification details submission - Regarding.

- Ref: 1 Online forest clearance proposal uploaded by the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II Chennai - Proposal No. FP/TN/Road/151930/2022, dated 02.02.2022 and resubmission of proposal on 17.05.2022.
- 2 Part-II of Form-A uploaded by the District Forest Officer, Chennai Division on 14.11.2022 and EDS reply dated 03.07.2023
- 3 Part-III of Form-A uploaded by the Chief Conservator of Forests, Chennai Circle on 25.04.2023 and resubmission of proposal on 03.07.2023
- 4 Principal Chief Conservator of Forests Ref. No. TS3/2987/2022 Dated: 15.07.2023
- 5 Government of India, MoEF&CC, IRO Chennai letter F. No. 4-TNB109/2023-CHN/1035, dated 29.08.2023
- 6 Government letter No. 5227778/FR.10/2023-2, dated 15.09.2023
- 7 Resubmission of proposal by the user agency in parivesh portal

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With reference to the Government letter cited, I wish to inform the following details.

1) Government of India, MoEF&CC, Regional Office, Chennai in the reference 5th cited has informed to the State Government that, the Chief Engineer, Metro, Highways Department has submitted two proposals i.e. FP/TN/ROAD/151930/2022 for 0.95472 ha and FP/TN/ROAD/148656/2021 for 4.46 ha and noted that above mentioned two proposals are in same stretch and continuous in alignment. The State Government vide letter dated 03.08.2023 requested the RO Chennai to convey approval for felling of 204 spontaneous trees under proposal No FP/TN/ROAD/151930/2022 involves diversion of 0.95412 ha and whereas submitted the subject proposal to this office for approval under FCA, 1980;

i) It has been informed that, splitting of same stretch of road in to smaller area shall not be done and especially for linear proposals, proposal shall be submitted for its entirety. By splitting of proposals, competent authority to decide on such proposal will also change as per the delegation of powers and such artificial splitting is not permissible.

ii) Considering the above facts, it is requested that State Government may inform all stake holders including forest department Officials not to split the proposals in future. Further, the UA i.e. Chief Engineer, Metro, Highways Department may be directed to withdraw the above two proposals from the PARIVESH and to submit a fresh proposal for the revised area by combining 0.95472 ha + 4.46 ha- 5.41472 ha.

iii) As the combined area will be more than 5 ha, the revised proposal needs to be processed through Project Screening Committee (PSC) as per the provision of FC rules 2022. Further, it is also noticed that, the proposed CA scheme is not as per the provision of FC rules 2022, hence, Nodal Officer may be advised to re-examine the CA scheme and to submit appropriate CA scheme along with the said revised proposal.

2) In this regard, [observation made by the Government of India has been informed to the user agency for revising and furnishing consolidated proposal.]

The Chief Engineer, Highways, Metro has reported that the Forest Act 1980 Proposals for formation of Tambaram Eastern Bypass and Construction of R.O.B at LC-32 are evolved at the different dates. Accordingly, the Proposal for diversion of

Forest Land were submitted to the Forest Department at various dates. The fact of these two Projects are furnished as detailed below: -

i) Land Acquisition for the work of Formation of Tambaram Eastern by pass road at Km 0/0 - 9/300 has been sanctioned vide ref.1st cited by Govt. of Tamilnadu on 23.09.2004. The stretch from Km from 8/000-9/300 falls in Vandalur Reserve Forest area to an extent of 4.46 Ha. Hence proposal for diversion of forest land of 4.46 Ha in Vandalur RF was uploaded online in Parivesh Portal vide online proposal No FP/TN/Road 148656/2021 on 22.10.2021.

ii) The work of Construction of ROB in lieu of LC-32 at Perungalathur in between Tambaram and Vandalur Railway stations has been sanctioned vide ref 2nd cited by the Government of Tamilnadu on 01.12.2010. For this work, forest land to an extent of 0.95472 Ha in Vandalur Reserve Forest land is required. Hence proposal for diversion of forest land of 0.95472 Ha in Vandalur RF was uploaded online in Parivesh Portal vide online proposal No FP/TN/Road/151930/2022 on 02.2.2022.

The requirement of forest land for the above two works were assessed at different dates and accordingly the proposals for diversion of forest land was submitted for approval in parivesh portal.

iii) The facts on each scheme are tabulated below:

S.no	Description	Proposal 1: Formation of Tambaram Eastern Bypass Km 0/0-9/3 Proposal No. FP/TN/Road 148656/2021	Proposal 2: Construction of LC 32 ROB Proposal No. FP/TN/Road/ 151930/2022
1.	Name of the Work.	Formation of Tambaram Eastern Bypass	Construction of ROB in lieu of LC-32 at Perungalathur in between Tambaram and Vandalur Railway stations
2	Scheme	2004-2005 Traffic Improvement Scheme	Railway Work Program for the year 2010-2013
3	Administrative sanction by Government of Tamil Nadu	G.O No. 264, Highways (HW1) Department, dated 23.09.2004	G.O No. 230, Highways (HQ2) Department, dated 01.12.2010.

			RAS G.O (Ms) No. 34, Highways and Minor Ports Department, dated 07.03.2019
4	Extent of Forest land involved	4.46 Ha	0.95472 Ha
5	Actual Date of Initiation of Diversion of Forest land proposal	Divisional Engineer (H) Thiruvallur & Divisional Engineer (H) CMDP-1 addressed District Collector, Kanchipuram requesting alternative double extent of compensatory land on 06.12.2005 & 09.01.2012 respectively.	Divisional Engineer (H) CMDP-2 addressed the District Collector, Chengalpattu requesting alternative double extent of compensatory land on 20.10.2021.
6	Proposal submitted to Forest department in Parivesh Portal by User agency	22.10.2021 Proposal No: FP/TN/Road/148656/2021	02.02.2022 Proposal No: FP/TN/Road/151930/2022
7	Alternate land approved by State Government	8.92 Ha Non-Forest land in SF. No: 96/1 of Vedhanarayanapuram village in Chengalpattu District	Not Applicable (Since extent is less than 1 Ha)
8	Compensatory Afforestation	Planting of 8920 number seedlings proposed in 8.92 Ha of degraded forest land in Gudulur RF including maintenance and protection of plantation for 10 years period.	Planting of 1909 number seedlings proposed in 1.909 Ha of degraded forest land in Vandalur RF including maintenance and protection of plantation for 10 years period.

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The Chief Engineer, Highways, Metro has stated that though the combined area of Forest Area is more than 5 Ha for the two Projects, the two Projects have been sanctioned in different dates and diversion proposals also initiated at different dates depending upon the execution stage of above schemes and the proposals have not been split up intentionally.

Hence, the Chief Engineer, Highways, Metro has requested to consider above Proposals in order to complete the work as early as possible.

In view of the details furnished by the Chief Engineer, Metro, the proposal furnished for diversion of 0.95472 ha of forest land in Vandalur RF for construction of Road over Bridge in lieu of LC No. 32 in between Tambaram and Vandalur Railway Station near Perungalathur in Chengalpattu District in favour of the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-II, Chennai may be considered separately and approval may be obtained from the Government of India.

Yours faithfully

S. Alayasu 21/1/24
For Principal Chief Conservator of Forests
(Head of Forest Force)

06/01/2024

